

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

THOMAS W. ZACH,

Plaintiff,

v.

ORDER

JAMES THORPE, ROBERT SCHENCK,
KAREN GOURLIE, WELCOME ROSE,
TIMOTHY LUNDQUIST, and JEAN CARLSON,

16-cv-442-jdp

Defendants.

Plaintiff Thomas W. Zach, a former state prisoner at the Thompson Correctional Center, brings claims that prison officials denied him necessary dental care, in part because of his race.

Zach has filed a motion for the court's assistance in recruiting him counsel, Dkt. 9. I considered a similar motion in one of Zach's other pending cases, no. 16-cv-823-jdp, and I will deny his current motion for the same reasons I denied that one: given that it is relatively early in the case, I cannot tell for certain that his claims will be too complex for him to handle. He has documented that he suffers from medical and logistical problems that make it more difficult to prepare documents, but the docket shows that he appears capable of filing submissions and I am willing to consider extension of court deadlines if his impediments keep him from accomplishing his tasks. I will deny Zach's motion without prejudice, so he may renew his motion later.

Defendants have filed a motion to compel Zach to sign a form authorizing the release of protected health information. Dkt. 31. Zach signed a copy of this form with the notation "signed under extreme duress." Dkt. 30-2. He later signed a copy without that notation, but

he states that he feels the same way as he did before: that defendants are pressuring and harassing him. So even the new signed release is not truly voluntary.

This court will not force Zach to release protected medical records to defendants. But he cannot continue with this lawsuit unless he gives them this information; it would be unfair for him to sue defendants for failing to treat his medical condition and then not allow them to see his relevant medical records so that they can prepare a defense. The authorization appears to be limited in scope to the relevant records—defendants seek release of dental, medication, and pain-treatment records from 2008 to 2011. *See* Dkt. 31-1. So Zach has a choice: he can choose to sign the proposed release form, or the case will be dismissed. I will give Zach a short time to decide whether he wishes to sign the release.

Defendants have also filed a motion to stay the schedule pending resolution of Zach's motion for recruitment of counsel. I will grant that motion and amend the expert-disclosure and dispositive-motions deadlines. The remainder of the schedule will remain in place. Zach's new expert-disclosure deadline will be November 19, 2018. Defendants' expert-disclosure deadline and the dispositive-motions deadline will be December 17, 2018.

ORDER

IT IS ORDERED that:

1. Plaintiff Thomas W. Zach's motion for the court's assistance in recruiting him counsel, Dkt. 9, is DENIED without prejudice.
2. Plaintiff may have until October 12, 2018, to submit to defendants a signed form authorizing the release of his medical records.
3. Defendants' motion to stay the schedule, Dkt. 33, is GRANTED. The schedule is amended as detailed above.

Entered September 28, 2018.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge